

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG DIVISION

JESSICA B. BOWERS,

Plaintiff,

v.

Civil Action No. 3:23-cv-119
Judge Frank Volk

JEFF S. SANDY, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS THE FORMER CABINET
SECRETARY OF THE WEST VIRGINIA DEPARTMENT OF
HOMELAND SECURITY,
BETSY JIVIDEN, INDIVIDUALLY AND AS AN EMPLOYEE
OF THE WEST VIRGINIA DIVISION OF
CORRECTIONS AND REHABILITATION,
DIDYMUS TATE, INDIVIDUALLY, AND AS AN EMPLOYEE
OF THE WEST VIRGINIA DIVISION OF CORRECTIONS
AND REHABILITATION,
JOHN /JANE DOE, UNKNOWN EMPLOYEES
OR AGENTS OF THE ABOVE ENTITY,
IN THEIR INDIVIDUAL CAPACITIES, AND
AS EMPLOYEES OR AGENTS OF THE ABOVE ENTITIES,
ASHLEY FISHER, individually and as an employee
of PrimeCare,
LISA BEARD, individually and as an employee
of PrimeCare,
KELSEY SHANK, individually and as an employee
of PrimeCare,
CHRISTIN BELL, individually and as an employee
of PrimeCare,
BRENDA ENGLE, individually and as an employee
of PrimeCare,
CHRISTINA WAY, individually and as an employee
of PrimeCare,
CHELSEA MCCRORK, individually and as an employee
of PrimeCare,
MORTRICIA MARSHALL, individually and as an employee
of PrimeCare,
BRANDY SCOTT, individually and as an employee
of PrimeCare,
JEANNETTE SWEITZER, individually and as an employee

of PrimeCare,
ALFRED BALDERA, individually and as an employee
of PrimeCare,
PRIMECARE MEDICAL, INC., AND
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,

Defendants.

**STIPULATION OF VOLUNTARY DISMISSAL, WITH PREJUDICE,
AS TO DEFENDANTS, ASHLEY FISHER, LISA BEARD, KELSEY SHANK,
CHRISTIN BELL, BRENDA ENGLE, CHRISTINA WAY, CHELSEA
MCCRORK, MORTICIA MARSHALL, BRANDY SCOTT,
JEANETTE SWEITZER, AND ALFRED BALDERA, M.D.**

Comes Now Plaintiff, Jessica Bowers, by counsel, Christopher J. Heavens and Heavens law firm, PLLC, and Stephen P. New, and the law firm of Stephen New and Associates, and Defendants Jeff S. Sandy, individually and in his official capacity as the former cabinet secretary of the West Virginia Department of Homeland Security, Betsy Jividen, individually and as an employee of the West Virginia Division of Corrections and Rehabilitation, Didymus Tate, individually and as an employee of the West Virginia Department of Corrections and Rehabilitation, and John/Jane Doe, unknown employees in their individual capacities, and as employees or agents of the above entities, by counsel William E. Murray, Celeste E. Webb, James W. Marshall, and the law firm of Bailey & Wyant, PLLC, and Defendants, PrimeCare Medical, Inc., PrimeCare Medical of West Virginia, Inc., Ashley Fisher, Lisa Beard, Kelsey Shank, Christin Bell, Brenda Eagle, Christina Way, Chelsea McCrork, Morticia Marshall, Brandy Scott, Jeannette Sweitzer, and Alfred Baldera, M.D. (collectively, “PrimeCare Defendants”) by counsel, Mark R. Simonton, Alex S. Blevins, and the law firm of Offutt Simmons Simonton, PLLC, pursuant to Rule 41(a)(1)(A)(ii) of the Federal

Rules of Civil Procedure, and hereby stipulate to the voluntary dismissal of all of Plaintiff's claims against Ashley Fisher, Lisa Beard, Kelsey Shank, Christin Bell, Brenda Eagle, Christina Way, Chelsea McCork, Morticia Marshall, Brandy Scott, Jeannette Sweitzer, and Alfred Baldera, M.D. with prejudice. The voluntary dismissal of these defendants is not in exchange for any indemnity dollars or other consideration being paid by them or on their behalf.

JESSICA BOWERS,

By Counsel:

/s/ **Stephen P. New**

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PRIMECARE DEFENDANTS,

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/s/ Mark R. Simonton, Esquire

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**JEFF S. SANDY, BETSY JIVIDEN,
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EMPLOYEES OR AGENTS.**

By Counsel:

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of PrimeCare,
ALFRED BALDERA, individually and as an employee
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PRIMECARE MEDICAL, INC., AND
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,**

Defendants.

CERTIFICATE OF SERVICE

I, Mark R. Simonton, Esquire, counsel for PrimeCare Defendants, do hereby certify that I served a true and correct copy of the foregoing **“Stipulation of Voluntary Dismissal, with Prejudice, as to Defendants, Ashley Fisher, Lisa Beard, Kelsey Shank, Christin Bell, Brenda Eagle, Christina Way, Chelsea McCrork, Morticia Marshall, Brandy Scott, Jeannette Sweitzer, and Alfred Baldera, M.D.”** with the Clerk of the Court using the CM/ECF system, this **31st** day of **March, 2025**, which will service the following recipient(s):

Stephen P. New, Esquire
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Employees or Agents*

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*Counsel for Jeff Sandy, Betsy Jividen
Didymus Tate, and John/Jane Doe
Employees or Agents*

/s/ **Mark R. Simonton**

Mark R. Simonton, Esquire (WV Bar #13049)